

Know Your Rights:

Pregnant or Parenting? Title IX Protects You From Discrimination At School

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities.

All public and private schools, school districts, colleges, and universities receiving any Federal funds ("schools") must comply with Title IX.*

Here are some things you should know about your rights:

Classes and School Activities – your school MUST:

- Allow you to continue participating in classes and extracurricular activities even though you are pregnant. This means that you can still participate in advanced placement and honors classes, school clubs, sports, honor societies, student leadership opportunities, and other activities, like after-school programs operated at the school.
 - Allow you to choose whether you want to participate in special instructional programs or classes for pregnant students. You can participate if you want to, but your school cannot pressure you to do so. The alternative program must provide the same types of academic, extracurricular and enrichment opportunities as your school's regular program.
- Allow you to participate in classes and extracurricular activities even though you are pregnant and not require you to submit a doctor's note unless your school requires a doctor's note from all students who have a physical or emotional condition requiring treatment by a doctor. Your school also must not require a doctor's note from you after you have been hospitalized for childbirth unless it requires a doctor's note from all students who have been hospitalized for other conditions.
- Provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

Excused Absences and Medical Leave – your school MUST:

- Excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary.
- Allow you to return to the same academic and extracurricular status as before your medical leave began, which should include giving you the opportunity to make up any work missed while you were out.
- Ensure that teachers understand the Title IX requirements related to excused absences/medical leave. Your teacher may not refuse to allow you to submit work after a deadline you missed because of pregnancy or childbirth. If your teacher's grading is based in part on class participation or attendance and you missed class because of pregnancy or childbirth, you should be allowed to make up the participation or attendance credits you didn't have the chance to earn.
- Provide pregnant students with the same special services it provides to students with temporary medical conditions. This includes homebound instruction/at-home tutoring/independent study.

* A school that is controlled by a religious organization is exempt from Title IX when the law's requirements would conflict with the organization's religious tenets.

Harassment – your school MUST:

- Protect you from harassment based on sex, including harassment because of pregnancy or related conditions. Comments that could constitute prohibited harassment include making sexual comments or jokes about your pregnancy, calling you sexually charged names, spreading rumors about your sexual activity, and making sexual propositions or gestures, if the comments are sufficiently serious that it interferes with your ability to benefit from or participate in your school's program.

Policies and Procedures – your school MUST:

- Have and distribute a policy against sex discrimination. It is recommended that the policy make clear that prohibited sex discrimination covers discrimination against pregnant and parenting students.
- Adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parental status.
- Identify at least one employee in the school or school district to carry out its responsibilities under Title IX (sometimes called a "Title IX Coordinator") and notify all students and employees of the name, title, and contact information of its Title IX Coordinator. These responsibilities include overseeing complaints of discrimination against pregnant and parenting students.

Helpful Tips for Pregnant and Parenting Students:

- Ask your school for help—meet with your school's Title IX Coordinator or counselor regarding what your school can do to support you in continuing your education.
- Keep notes about your pregnancy-related absences, any instances of harassment and your interactions with school officials about your pregnancy, and immediately report problems to your school's Title IX Coordinator, counselor, or other staff.
- If you feel your school is discriminating against you because you are pregnant or parenting you may file a complaint:
 - Using your school's internal Title IX grievance procedures.
 - With the U.S. Department of Education, Office for Civil Rights (OCR), even if you have not filed a complaint with your school. If you file with OCR, make sure you do so within 180 days of when the discrimination took place.
 - In court, even if you have not filed a complaint with your school or with OCR.
- Contact OCR if you have any questions. We are here to help make sure all students, including pregnant and parenting students, have equal educational opportunities!

If you want to learn more about your rights, or if you believe that a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at: <http://www.ed.gov/ocr/complaintintro.html>.



TITLE IX

FACT SHEET

Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students

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If you are a pregnant or parenting student, you should know that under Title IX, you have a right to stay in school so you can meet your education and career goals. Below are answers to frequently asked questions from students in post-secondary schools, including colleges, community colleges, universities, for-profit institutions, trade schools, etc.

How does Title IX apply to pregnant or parenting students?

Title IX prohibits discrimination on the basis of sex - including pregnancy, parenting, and all related conditions, such as abortion - in all educational programs and activities that get federal funding. This means that schools must give all students who might be, are, or have been pregnant the same access to school programs and educational opportunities that other students have. Your professors or administrators should not tell you that you have to drop out of your classes or program or change your educational plans due to your pregnancy.

Does my school have to excuse my absences due to pregnancy, childbirth, or abortion?

Your school must excuse your absences due to pregnancy or any related conditions for as long as your doctor says it is necessary for you to be absent. This is true even if there is no leave policy for students with other conditions. When you return to school, you must be reinstated to the status you held before your leave. The school can require you to submit a doctor's note only if that is required of students with other medical conditions.

My professor adjusts grades based on class attendance. Can she lower my grade because of the classes I miss?

You cannot be penalized for pregnancy or other related conditions. If a professor provides specific "points" or other advantages to students based on class

Where do I start to figure out whether or not my school is violating Title IX?

- A good first step in measuring your school's compliance is to compare how they treat pregnant students to how they treat students with other temporary disabilities. Under Title IX, schools must offer pregnant students the same benefits they offer to students with other temporary medical conditions.
- One exception to this rule is absences - Title IX requires that schools excuse absences due to pregnancy and related conditions, regardless of the school's absence policy.
- Your school is required to designate a Title IX Coordinator who should be able to answer questions for you about Title IX and pregnancy.
- Some states and school districts have their own laws that provide other protections, or even support services, for students. You should talk to a lawyer to find out what policies apply in your area.

attendance, you must be given the opportunity to earn back the credit from classes you miss due to pregnancy, so that you can be reinstated to the status you held before you took leave.

Does my school have to let me make up the work I missed while I was absent?

Yes, your school must let you make up the work you missed while you were out due to pregnancy or any related conditions, including recovery from childbirth.

For example, if you have a doctor's note that excuses you from class for several weeks because you were on "bed rest" before giving birth, your school has to provide you with the appropriate assignments and information to make up all of the work you would have been required to complete while you were out. For an extended absence, it is best if your school provides you with the work you miss regularly, so you do not fall far behind.

But what if my school says that absence or make-up work policies are up to each individual professor?

While that may be the school's practice, the school administration and professors are bound by federal civil rights law. Title IX requires that schools ensure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students. An individual professor's policy is not okay if it breaks the law.

Does my school have to provide special academic services to me, like tutoring?

Title IX requires that schools provide pregnant students with any special services they provide to students with temporary disabilities. If students with temporary disabilities get at-home tutoring to help them keep up with work they miss when absent, the school must provide students who miss class because of pregnancy or childbirth with the same benefit.

What about internships, career rotations, and other off-campus elements of my program - do I have a right to participate in those?

Yes. Your school must allow you to continue participating in off-campus programs. For example, if your program provides opportunities to "work in the field" your school cannot deny you participation based on your pregnancy. The school cannot require a doctor's note for continued participation, unless the school requires one for all students who have a medical condition that requires treatment by a doctor. If they do ask for a note, they cannot second-guess your doctor's decision.

Classmates and even professors have made offensive comments to me about my pregnancy. Should I complain to the school about it?

Title IX requires schools to prevent and address sex-based harassment, including harassment based on pregnancy. If you experience this sort of treatment

at school, you should seek help immediately. The law prohibits the school from retaliating against you for making a complaint or raising a concern.

I have a scholarship - can my school take it back when they find out I am pregnant?

No, schools cannot terminate or reduce athletic, merit, or need-based scholarships based on pregnancy. If you stay in school, you can keep your scholarship.

I want to take a semester off. Can I keep my student status, scholarship, etc.?

Not necessarily - it depends on the leave policy at your school. If you want to take off more time than your doctor says is medically necessary, you will need to consult your school's non-medical leave policy.

What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?

Your rights as an employee are different from your rights as a student. If you work for the school, you may be eligible for family or medical leave, or may qualify for maternity leave under the school's policy, but that may not include leave from your classes, beyond what is medically necessary.

I am no longer pregnant and/or have already graduated - is there anything I can do about the discrimination I experienced as a pregnant student?

You may still have options. Contact your Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or the National Women's Law Center to learn more. Even if it is too late for you, you can help us ensure that women who find themselves in your shoes do not run into the same barriers.

I want to return to school 3 days after I have the baby, so I don't fall too far behind, but my department head thinks I should take more time off to recover. What should I do?

Your school must leave it up to you and your doctor to decide when you can return. While the school must offer to excuse more leave than that (under Title IX your absence must be excused for as long as your doctor says is medically necessary), no one can force you to take more leave just because they think it would be better for you (or your baby). And the school cannot have a rule that prohibits students from returning to classes for a set period of time after childbirth.